



UNITED STATES PATENT AND TRADEMARK OFFICE

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UNITED STATES PATENT AND TRADEMARK OFFICE
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Paper No. 12

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MAILED

DEC 23 2004

Technology Center 2100

In re Application of: Kanevsky)	
Application No. 09/580,720)	DECISION ON REQUEST TO
Attorney Docket No. YOR920000132US1)	WITHDRAWAL HOLDING OF
Filed: May 30, 2000)	ABANDONMENT
For: INTELLIGENT AGENT)	
AUTHENTICATION VIA POSITION)	
LOCATOR SYSTEM)	

This is a decision on the request to withdraw the holding of abandonment, filed November 22, 2004, which is treated as a petition under 37 C.F.R. §1.181(a) and M.P.E.P. §711.03 (c): Petitions Relating to Abandonment, to withdraw holding of abandonment.

The petition is **GRANTED**.

Applicable Prosecution History

January 30, 2004	Non-final rejection mailed (Paper No. 9).
September 20, 2004	Notice of Abandonment (Paper No. 10).
November 22, 2004	Request to withdraw holding of abandonment (Paper No. 11) which includes a copy of the PAIR system report, a copy of the auto-reply facsimile transmission, a copy of the April 30, 2004 amendment transmittal and amendment.

A grantable petition must include a copy of the response and proof of timely filing of the response. A properly used Certificate of mail transmission that includes a 37 CFR 1.8 (b) (3) Statement or an Office generated FAX receipt that properly identifies the contents of the submission is acceptable. No fee is required.

The petition and the copy of the auto-reply facsimile both indicate that an Amendment transmittal, amendment and deposit account authorization for any extensions were timely filed

on April 30, 2004. Copies of these papers were filed with the petition and thus serve as a record of the contents of these papers in the file jacket.

The Auto-Reply facsimile cover page which itemizes and properly identifies the items which are being filed serves as *prima facie* evidence of receipt in the USPTO of all the items listed thereon on the date stamped thereon by the USPTO.

Petitioner has established that a response was filed on April 30, 2004 with the authorization to charge the requisite fee for extensions of time necessary for the response to be considered timely. Thus, Petitioner has established that a response was timely filed and the Abandonment was the result of Office error in not matching the response to the application file.

The petition is **GRANTED**. The Notice of Abandonment is **WITHDRAWN**. The Office regrets any inconvenience caused by this error.

The application file is being forwarded to the Technology Center support staff with instructions to withdraw the holding of abandonment and for processing of the amendment. After processing, the application will then be forwarded to the Examiner for appropriate action.


Brian L. Johnson

Special Program Examiner
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12/23/04

HMJ: 12/22/04